

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re PATRIOT NATIONAL, INC.
SECURITIES LITIGATION

Case No. 1:17-cv-01866-ER
[Consolidated with Case No. 1:17-cv-
07164-ER]

Honorable Edgardo Ramos

PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Settlement, and all papers submitted therewith, Plaintiffs, through their undersigned counsel, hereby move this Court before the Honorable Edgardo Ramos, United State District Judge, for entry of the [Proposed] Order Preliminarily Approving Settlement and Providing for Notice. This [Proposed] Order has been agreed to by Plaintiffs and Defendants and consists of:

- (1) preliminarily approving the Settlement, as embodied in the Stipulation, as being fair, reasonable and adequate to the Settlement Class;
- (2) preliminarily certifying, solely for purposes of effectuating the proposed Settlement, a Settlement Class consisting of all individuals and entities that purchased or acquired Patriot National's securities between January 15, 2015, and November 28, 2017, inclusive, and were damaged thereby;
- (3) preliminarily finding and concluding that Lead Plaintiffs ODS Capital LLC, Barry A. Smith, and Sunil Shah and named Plaintiff Adam Kayce are adequate class representatives and certifying them as Class Representatives for the Settlement Class;
- (4) preliminarily appointing Lead Counsel, Berger Montague PC and Glancy Prongay & Murray LLP, as Class Counsel for the Settlement Class;
- (5) authorizing Lead Counsel to retain the Claims Administrator to supervise and administer the notice procedure in connection with the proposed Settlement as well as the processing of Claims;

- (6) approving, as to form and content, the Notice, the Claim Form, and the Summary Notice;
- (7) staying, until otherwise ordered by the Court, all proceedings in the Action regarding the Settling Persons, other than proceedings necessary to carry out or enforce the terms and conditions of the Stipulation; and
- (8) approving Huntington National Bank as the Escrow Agent, and deeming and considering the contents of the Settlement Fund held by Huntington National Bank to be *in custodia legis* of the Court, and remain subject to the jurisdiction of the Court, until such time as they shall be distributed pursuant to the Stipulation and/or further order(s) of the Court.

Dated: December 21, 2018

BERGER MONTAGUE PC

By: s/ Lawrence Deutsch

Lawrence Deutsch

Jacob M. Polakoff

1818 Market Street, Suite 3600

Philadelphia, PA 19103

Telephone: (215) 875-3000

Facsimile: (215) 875-4604

Email: ldeutsch@bm.net

jpolakoff@bm.net

GLANCY PRONGAY & MURRAY LLP

Brian F. Murray

230 Park Ave, Suite 530

New York, NY 10169

Telephone: (212) 682-5340

Facsimile: (212) 884-0988

Email: bmurray@glancylaw.com

-and-

Lionel Z. Glancy

Robert V. Prongay

Lesley F. Portnoy

Charles H. Linehan

1925 Century Park East, Suite 2100

Los Angeles, CA 90067

Telephone: (310) 201-9150

Facsimile: (310) 201-9160

Co-Lead Counsel for Plaintiffs

THE GRANT LAW FIRM, PLLC

Lynda J. Grant
521 Fifth Avenue, 17th Floor
New York, NY 10175
Telephone: (212) 292-4441
Facsimile: (212) 292-4442
Email: lgrant@grantfirm.com

SAFIRSTEIN METCALF

Peter Safirstein
Elizabeth Metcalf
The Empire State Building
350 Fifth Avenue, Suite 5960
New York, NY 10118
Telephone: (212) 201-2845
Email: psafirstein@safirsteinmetcalf.com
emetcalf@safirsteinmetcalf.com

BRONSTEIN, GEWIRTZ & GROSSMAN, LLC

Peretz Bronstein
60 East 42nd Street, Suite 4600
New York, NY 10165
Telephone: (917) 697-8209
Email: peretz@bgandg.com

Additional Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the Clerk of Court via the CM/ECF system, which will send Notice of such filing to all counsel of record.

Dated: December 21, 2018

s/ Lawrence Deutsch

Lawrence Deutsch